

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

COURTNEE T. POKE,

Plaintiff,

vs.

LT. PAMELA CLARK, et al.,

Defendants.

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Case No. 4:22-cv-00613-JAR

MEMORANDUM AND ORDER

Plaintiff Courtnee Poke filed this pro se prisoner civil rights case in June 2022 asserting that Defendants were deliberately indifferent to his serious medical needs while he was incarcerated at the St. Louis Medium Security Institution. After Plaintiff failed to provide initial disclosures, Defendants filed a motion to dismiss the case for failure to prosecute. (ECF No. 28). On June 1, 2023, Plaintiff's son, Courtney J. Poke, Jr., notified the Court of Plaintiff's death and requested a continuance in order to pursue the case on Plaintiff's behalf. The Court denied Defendant's motion to dismiss and ordered Mr. Poke to enter an appearance of counsel or otherwise inform the Court of his progress finding counsel by July 21, 2023. (ECF No. 31). Mr. Poke failed to comply with the Court's order, and on August 9, 2023, the Court ordered Mr. Poke to show cause by August 25, 2023, why the case should not be dismissed for failure to prosecute. (ECF No. 32). The order cautioned Mr. Poke that failure to respond will result in dismissal of the case.

As of the date of this Memorandum and Order, Mr. Poke has not complied with the Court's show cause order, nor has he requested additional time to comply with the Court's order. The Court gave Mr. Poke meaningful notice of what was expected, cautioned him that the case

would be dismissed if he failed to timely comply, and gave him additional time to comply.

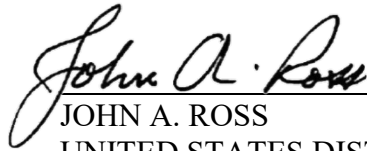
Therefore, this action will be dismissed without prejudice due to Mr. Poke's failure to comply with the Court's orders and his failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is dismissed without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this order of dismissal would not be taken in good faith.

Dated this 22nd day of September, 2023.

A handwritten signature in black ink, reading "John A. Ross", is positioned above a horizontal line. The signature is written in a cursive, flowing style.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE